

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BAYVIEW LOAN SERVICING, LLC

As servicer acting on behalf of the
Bank of New York Mellon,

Plaintiff,

Case No. 18-cv-13266

Hon. Matthew F. Leitman

v.

DAVID KENT, et al.,

Defendants.

**AGREED TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

Plaintiff Bayview and Defendant Kent stipulate, and this Court hereby
ORDERS, that:

David Kent, and all those acting in concert with him or on his behalf, is temporarily restrained and preliminarily enjoined, until further order of this Court, from selling, removing, or causing or permitting to be removed any fixtures from the property located at 4851 Old Orchard Trail, Orchard Lake, Michigan. For purposes of this Order only, and without prejudice to Defendant Kent's right to assert in this litigation that any of these items is not in fact a "fixture," "fixtures" include the following items listed for sale on the advertisement attached to Plaintiff's Motion for Temporary Restraining Order:

1. **Kitchen Area:** Two (2) Wolf stainless steel built-in ovens; stainless steel Wolf gas range cooktop; two (2) stainless steel dishwashers by Fisher & Paykel; Sub-Zero stainless steel wine cooler.
2. **Living Room:** Custom brushed nickel drop ceiling light fixture.
3. **Dining Room:** Pair of polished nickel, four (4) light wall sconces.
4. **Powder Room:** Cascade socialite Hollywood crystal ceiling chandelier and three (3) matching cascade luminaires by Boyd Lighting; mahogany vanity with marble top and onyx vessel; mahogany wood doors; three (3) high-gloss, Macassar ebony wood frames.
5. **Foyer:** Pair of rock crystal chandelier sconces with antique silver finish by Schonbeck.
6. **Appliances:** Wolf 48-inch, 4-burner gas cooktop, stainless steel. Two Wolf stainless steel, digital-touch built-in ovens. Fisher & Paykel stainless steel, 2-drawer dishwashers. Asko stainless steel dishwasher. Sub-Zero stainless steel wine cooler with glass door. Sub-Zero 36-inch stainless steel refrigerator with glass door. Sub-Zero stainless steel stand-alone ice maker.
7. **Study:** Donghia Stellare Grande fifteen (15)-light chandelier with two (2) tiers of hand-blown Murano glass, hand-silvering, and golf leaf inclusions.
8. **Bar:** Wood fireplace surround. Three ceiling mount pendant lights by Quadralli. Perlick stainless steel 3-unit beverage center with wine cooler and two refrigerated drawers. Sub-Zero stainless steel stand-alone ice maker. Asko stainless steel dishwasher. Pair of custom two-tone grey panel curtains with thermal black-out lining.
9. **VIP Lounge:** Sub-Zero, 36-inch stainless steel and glass door refrigerator; painted wood cut-out cabinet and granite top; linear track lighting system by Soffit; pair of chrome sconces with marble shades by Montpasnasse. Two sets of French double doors, wood with frosted mirror panels.
10. **Pool:** Two multi-jet shower systems by Pharo. Any pool equipment related to pool operation & function. Custom frosted glass door. Mahogany and wood doors. Pair of white glass wall sconces.
11. **Master Bedroom:** One-of-a-kind three (3)-tier painted silk, suspension light fixture with glass drop; custom one (1)-tier, painted silk, suspension light fixture.
12. **Master Bath:** Seven-light crystal chandelier with chrome finish. Several sets of pleated Roman blinds with thermal black-out lining. Mahogany bathroom door with black glass panel and chrome hardware. Two mahogany master closet doors with frosted glass

and chrome hardware. Custom design master closet components include: marble-topped closet island with self-closing wood doors; a granite-topped wet bar with two refrigerated drawers and granite backsplash; multi-section, floor-to-ceiling shoe rack, dresser drawers with custom jeweled hardware and hanging rod, shelf and drawer sections. Cascade socialite Hollywood five-light crystal chandelier by Boyd Lighting. Custom chrome track lighting with 16 crystal-cloaked lights.

13. **Girl's Bedroom:** Blonde wall-hung bookshelf cabinet with three (3) storage doors; purple, blue and orange crystal pendant lights.
14. **Boy's Bedroom:** Two (2) custom sconces with blue glass and silver finish "stripe" overlay; InteraKtiv shower systems.
15. **Mother-in-Law Suite:** High-gloss white ceiling fan with light.
16. **Laundry Room:** Clear and blue crystal, 5-light chandelier. Four-light track light system in brushed chrome. Two-light, halogen track light in brushed chrome. Several wood upper cabinets with frosted glass panels.

Kent will not sell, remove or cause or permit to be removed from the Property at Old Orchard Trail any other items not listed above if those items are attached to, affixed to, built-in to, or customized to fit into or on, the structure or anything attached to the structure.

Notwithstanding the above, Kent asserts that the following items (the "Objected To Items") contained in the above-listed items are, in fact, not "fixtures:"

1. **Kitchen Area:** stainless steel dishwashers by Fisher & Paykel; Sub-Zero stainless steel wine cooler (butler pantry).
2. **Master Bedroom:** One-of-a-kind three (3)-tier painted silk, suspension light fixture with glass drop; custom one (1)-tier, painted silk, suspension light fixture.
3. **Powder Room:** mahogany vanity with marble top and onyx vessel.

4. **Appliances:** Asko stainless steel dishwasher. Sub-Zero stainless steel wine cooler with glass door. Sub-Zero 36-inch stainless steel refrigerator with glass door. Sub-Zero stainless steel stand-alone ice maker.

5. **Bar:** Wood fireplace surround. Perlick stainless steel 3-unit beverage center with wine cooler and two refrigerated drawers. Sub-Zero stainless steel stand-alone ice maker. Asko stainless steel dishwasher. Pair of custom two-tone grey panel curtains with thermal black-out lining.

6. **VIP Lounge:** Sub-Zero, 36-inch stainless steel and glass door refrigerator; painted wood cut-out cabinet and granite top.

7. **Master Bath** : Several sets of pleated Roman blinds with thermal black-out lining; marble-topped closet island with self-closing wood doors; dresser drawers with custom jeweled hardware and hanging rod.

The Parties are ORDERED to negotiate with respect to the status of the Objected To Items in good faith and expeditiously, and if they are unable to reach agreement, shall contact the Court no later than 4:00 pm on October 26, 2018 so that the Court may set a schedule or otherwise direct the Parties how to proceed in order to resolve the question of whether the Objected To Items may be removed from the Property on October 31, 2018.

IT IS SO ORDERED.

/s/Matthew F. Leitman

MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: October 22, 2018

AGREED AND APPROVED:

/s/ Marcel C. Duhamel

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